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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,389	08/20/2004	Herbert Walter	97086/00049	7213

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EXAMINER
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LEE, JINHEE J

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/505,389

Applicant(s)

WALTER ET AL

Examiner

Jinhee J. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

At page 9 line 26 according to the numbering on the left, "attached panels 9" is confusing. Line 29 of the same page states "carrying structure 9". Examiner suggests, "carrying structure 9" instead to clarify.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 5-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-14 have not been further treated on the merits.

4. Claim 2 is objected to because of the following informalities:

Claim 2 line 2, the phrase "and current conductors" has an error. Examiner suggests "and the current conductors" instead to avoid confusion.

Claim 2 line 3, the phrase "wire channels (23,25)" has an error. Examiner suggests "wire channels (22, 25)" instead to conform with description in the specification page 8 line 7.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Coutre (4919625).

Re claim 1, Coutre discloses a profiled rail (10, track section) for a suspension device characterized in that

a) arranged within the profiled rail (10) is a conductor rail (28 bus holder, 42, 44 voltage bus) with current conductors (42, 44) which is supplied with electricity via a power supply (see column 2 lines 44-45 according to the numbering in the middle);

b) the current conductors (42, 44) are accessible from the passage (26 slot) for the purpose of tapping electricity for supplying a consuming unit (15) which can be connected via a feed line (78, 79 leads, see figures 2 and 3).

Re claim 2, Coutre discloses a profiled rail , characterized in that

a) the conductor rail (28, 42, 44) comprises an insulating profile (28) and the current conductors (42, 44) which are accommodated in wire channels (43, 45) and can

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be tapped via access points (unnumbered at 43, 45) at least more or less over the entire axial extent of the current conductors (see figures 1, 5 and 6) and in an at least largely uninterrupted manner; and

b) the conductor rail (28, 42, 44) is arranged in a current-conducting groove (unnumbered holding 28) which extends from the passage (26, see figures 1, 2, 5 and 6).

Re claim 3, Coutre discloses a profiled rail, characterized in that

a) the insulating profile (28) of the conductor rail (28, 42, 44) has outer contours (unnumbered) which fit into complementary inner contours on the current-conducting groove (unnumbered);

b) the current-conducting groove (unnumbered) is arranged, remote (defined in Webster's 1913 dictionary as "separate") from the entry point (on 26), in the depth of the passage (26) and, in principle, perpendicularly to the latter; and

c) the access points (unnumbered) open, in principle, perpendicularly to the passage (26, see figure 2).

Re claim 4, Coutre discloses a profiled rail, characterized in that

a) the insulating profile (28) has an M-shaped cross section in principle;

b) the two access points (unnumbered) are each located at the bottom within the side legs of the M-shaped cross section;

c) the wire channels (43, 45) with the current conductors (42, 44) provided therein are each located at the top within the side legs, in the profile tips; and

d) the current conductors (42, 44) can be tapped by an adapter (12, plug box) which can be pushed into the passage (26, see figures 1 and 2).

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

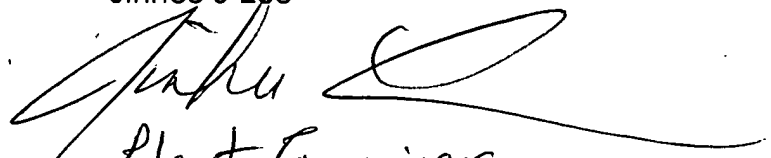
Jaakkola et al. and Rohr et al. are cited to show various components of a conductor rail system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M, T, Th and F at 6:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A. Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinhee J Lee

  
Patent Examiner  
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